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REQUEST FOR RECONSIDERATION		
	Application #	09/002,906
	Confirmation #	8339
	Filing Date	January 5, 1998
	First Inventor	WUGOFSKI
	Art Unit	2611
	Examiner	Tran, Hay V.
	Docket #	P1181US00 (P08253US00/RFH)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

Responsive to the Final Office Action mailed on September 9, 2004, reconsideration of the rejection of the claims is respectfully requested for the reasons which follow.

Claims 19, 22-25, 28 and 29 have been rejected under 35 U.S.C. § 102(e) as being "anticipated by Schein (U.S. Patent No. 6,323,911)." Claims 1-12 have also been rejected by 35 U.S.C. § 103(a) as being unpatentable over the Schein '911 patent "in view of Kostreski et al (U.S. Patent No. 5,734,589)." Further, claims 20,21,26 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Schein '911 patent "in view of Schein (U.S. Patent No. 6,002,394)." These rejections are respectfully traversed.

In rejecting claim 19, the Examiner contends that the Schein '911 patent "discloses a computer system to dynamically manage favorite channels (Fig. 3) based on user specified theme (col. 12, lines 26-65)." The Examiner further "cites Fig. 9A-9F; specifically, ---the system will then **automatically** search the guide to determine which programs include the specified performers. In addition, "**the system may be configured to continuously perform this search as new programs appear in the guide each day**" (emphasis in the original). The Examiner further states that in doing so "the system automatically adds programs that correspond to user criteria/theme from the

master/general guide into the favorite channel list; Col. 12, lines 55-62" and further "cites Col. 12, lines 12-20" and "Col. 12, lines 55-57."

There is obviously a fundamental disagreement between the Examiner and applicant with respect to the teachings of the Schein '911 patent. Specifically, it is respectfully submitted that the Schein '911 reference does not identify "channels". In this regard, in the portion of the patent quoted by the Examiner (column 12, lines 12-20 and lines 26-65), the reference throughout is to programs, not channels. The Schein '911 patent, in its relevant teachings, is basically concerned with a search for programs that might be similar to a selected favorite program. The reference has nothing to do with creating and managing a favorite channels list. Contrary to the contention of the Examiner, there is no teaching of any kind of automatic adding of channels without user innovation, as claimed in the pending claims.

Throughout the Office Action "channel" and "program" appear to be deemed the same thing. It is respectfully submitted that they are not the same thing. A "channel" has multiple temporally arranged programs. A "program" is simply a single program presented on a particular channel.

Although the Examiner appears to be using the terms interchangeably, the Schein "911 patent itself clearly recognizes the differences. For example, the abstract refers to "programs that are being presented on each channel during the day", and watching "a program on a currently-tuned channel" while column 1, lines 64-66 refers to a "program guide [which] will usually include a schedule information area that depicts the programs that are being presented on each channel at each time during the day," Figures 6B and 6C show separate "program and channel guides," column 2, lines 27-30 refers to a program guide as including a window "for displaying a program that is currently being

shown on a television channel," etc. Thus, when the Schein '911 patent refers to channels in the languages quoted above, channels are meant, not programs.

Considering the distinction between channel and program in more detail, there is no way to effectively search channels by means of a list of programs because the programs may not be on at the same time. Moreover, selection of a program does not necessarily cause current selection of a channel because the program might not be available at the time it is selected so that the channel would not be viewable at that time. However, one can easily move ("surf") from channel to channel in a list of favorite channels. For example, considering the non-limiting embodiment illustrated in Figure 5, for "SPORTS" as a "THEME," the list provided is a list of channels (e.g., channels 7, 33, 156 and 221) that the viewer may surf to see what sporting events are on rather than a list of specific sports programs which may or may not be on at the time the list is presented to the viewer. Thus, as indicated above, it is respectfully submitted that programs and channels are fundamentally different things, and cannot be equated, as appears to be done in the rejections here.

Turning to the "Response to Arguments," the Examiner again refers to Figure 3 and to column 12, lines 12-20 and 26-35. As pointed out above, these lines refer exclusively to programs and not to channels. The Examiner also refers to "searching the guide and determine which programs with associated channels or which channels with associated programs to be included in the favorite channels list." The Examiner appears to be attempting to blur the distinction between channels and programs by suggesting that determining "programs with associated channels" is the same thing as determining channels. As pointed out above, such is not the case, and there simply is no disclosure of a favorite channels list in the reference.

The Examiner further contends that Figure 6D supports "favorite channel list" with its "Channel" column 'that contains channels, i.e. ABC, PBS, TCC...'" The mere fact that the "favorite programs list" in the Schein '911 reference includes, in the menu shown in Figure 6D, the channels for these programs does not in any way make the list a "favorite channels list." As indicated above, the teachings of the Schein '911 patent are directed to programs not channels, and the search conducted and the additions made to the list concern new programs not new channels, as is evident from the very passages in column 12 to which the Examiner has made reference. Accordingly, the rejection of the claims can properly be withdrawn.

Turning to the rejections based on the combination of the Schein '911 patent and the Kostreski et al patent, the latter is cited as teaching mapping favorite channel lists to corresponding logical or virtual channels. It is respectfully submitted that the Kostreski et al patent does not provide such a teaching. In this regard, there is simply no mention of any kind in the Kostreski et al patent of favorite channel lists. Thus, the Kostreski et al patent clearly does not make up the basic deficiencies of the Schein '911 patent discussed above and claims 1-12 are patentable for at least this reason.

Further, while the Kostreski et al patent does provide in Figure 5 for maps including a reserve section 522 that is the same for both the "StarSight" and "BVS" maps illustrated in this embodiment. However, it is not seem how that has anything to do with the present invention. Further, the Examiner contends that "Kostreski teaches each logical channel 'SEL.' uniquely identifies a corresponding physical channel 'VIP StarSight' for popular network such as CBS, ABC, NBC and FOX regardless the user select 'VIP StarSight' or VIP BVS.'" It is noted that "SEL." represents various selection keys and does not identify a channel as the Examiner appears to imply. In any event, it is respectfully submitted that

the passages of the Kostreski et al patent to which the Examiner has referred not only fail to make up the deficiencies of the Schein '911 patent as a reference against the base claim, these passages also fail to teach "channel map services to map a logical channel number with a corresponding physical channel and physical device" in connection with a favorite channels list, as contended by the Examiner.

Similar remarks apply to the rejection based on the Schein '394 patent, i.e., this patent clearly does not make up the deficiencies of the Schein '911 patent and thus the claims are patentable for at least this reason.

With respect to the dependent claims, a number of contentions have been made regarding these claims with which applicant disagrees. However, these claims are patentable for at least the reasons set forth above in support of the patentability of the claims parent thereto.

Allowance of the application in its present form is respectfully solicited.

Respectfully submitted,

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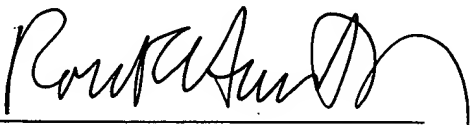

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